

Chapter 50 - UTILITIES¹

Article/Division/Section:

ARTICLE I	<u>IN GENERAL</u>
50-1 – 50-33	<i>Reserved</i>
ARTICLE II	<u>SEWERS AND SEWAGE DISPOSAL</u>
50-34	<u>General operation</u>
50-35	<u>Prohibited uses and actions</u>
50-36	<u>Fees; penalties</u>
50-37	<u>Maintenance of individual connections</u>
50-38	<u>Residential sewer connections</u>
50-39 – 50-64	<i>Reserved</i>
ARTICLE III	<u>STORM SEWER UTILITY</u>
50-65	<u>Stormwater drainage utility established</u>
50-66	<u>Fee</u>
50-67 – 50-69	<i>Reserved</i>
ARTICLE IV	<u>ILLICIT DISCHARGE AND DISPOSAL PROHIBITED</u>
50-70	<u>Purpose and findings</u>
50-71	<u>Definitions</u>
50-72	<u>Administration</u>
50-73	<u>Illegal disposal and dumping</u>
50-74	<u>Illicit discharges and connections</u>
50-75	<u>General provisions</u>
50-76	<u>Industrial activity discharges</u>
50-77	<u>Notification of spills</u>
50-78	<u>Enforcement</u>
50-79 – 50-80	<i>Reserved</i>
ARTICLE V	<u>STREET LIGHT UTILITY SYSTEM</u>
50-81	<u>Street light utility</u>
50-82	<u>Cost of system</u>
50-83	<u>Certification of unpaid bills</u>
50-84	<u>Street lighting utility fund</u>

ARTICLE I - IN GENERAL

Secs. 50-1 – 50-33 - Reserved

ARTICLE II - SEWERS AND SEWAGE DISPOSAL

Sec. 50-34 - General operation

The city sanitary sewer system shall be operated as a public utility from which revenues will be derived, subject to the provisions of this Code.

- (1) *Connections to sewer required.* All buildings constructed within the city on property adjacent to a sewer main or in a block through which the system extends, shall be provided with a connection to the municipal sanitary sewer system.
- (2) *Disposal of wastes.* Discharge of wastes shall be controlled by applicable state rules.
- (3) *Interceptors.* Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable wastes, sand or other harmful ingredients; but such interceptors shall not be required for private dwelling units. Interceptors shall be located so as to be easily accessible for cleaning and inspection.

(Code 1993, § 4-1.01)

Sec. 50-35 - Prohibited uses and actions

- (a) *Discharge of industrial wastes.* It shall be unlawful to discharge into the sanitary sewer system any industrial wastes unless prior approval of the city engineer is obtained. The city engineer shall approve the discharge of industrial wastes when, in his or her opinion, the proposed wastes will not be of an unusual amount or character. When in the opinion of the city engineer, the proposed wastes are of an unusual amount or character, the city engineer may approve such wastes, provided the prior approval of the City of Saint Paul city council is obtained.
- (b) *Discharge of surface waters prohibited.* It shall be unlawful to discharge or cause to be discharged into the sewer system, either directly or indirectly, any roof, stormwater, surface water or groundwater of any type or kind, or water discharged from any air conditioning unit or system.
- (c) *Tampering with sewer system prohibited.* No person shall maliciously, willfully or negligently uncover, deface or tamper with any structure, appurtenance or equipment that is a part of the sewer system.
- (d) *Prohibited connections.* No buildings located on property lying outside the city limits shall be connected to the sanitary sewer system unless authorized by the city council and the City of Saint Paul city council.

(Code 1993, § 4-1.02)

Sec. 50-36 - Fees; penalties

- (a) *Residential.* For the purpose of providing funds to meet operation, maintenance and also replacement costs of the city's sewer system, a quarterly user fee will be charged to each lot, parcel, building or premises connected to the sewer system. The sewer service charge payment is as established by the city council.
- (b) *Commercial and industrial.* In the event that any commercial or industrial user's lot, parcel of land, building or premises discharging sanitary sewage, industrial wastes, water or other liquid into the sewer system of the city directly or indirectly, is supplied in whole or in part with water not obtained from the city or the City of St. Paul, the user shall immediately install necessary metering equipment as approved by the city engineer to measure the quantity of water used; and the sewer rental charge shall be based on the quantity of water used. Whenever the owner, lessee or occupant fails to install such metering equipment where it is not practical to measure the amount of water used on the premises by meter or meters, the city engineer shall estimate the volume of water from private sources which discharge into the sewer system of the city, and such estimate shall be used in lieu of the metered volume of water from private sources to determine the sewer rental charges. No appeal may be made from such estimates by the user other than by installation of a meter as provided above.
- (c) *Penalties and assessment.* Penalties for late payment and assessment of unpaid fees are as established by the city council.

(Code 1993, § 4-1.04)

Sec. 50-37 - Maintenance of individual connections

It shall be the responsibility of the property owner or occupant to maintain the sewer service from the sewer stub into the house or building. Any required right-of-way permit shall also be maintained.

(Code 1993, § 4-1.05)

Sec. 50-38 - Residential sewer connections

- (a) *Plumbing inspector.* The plumbing inspector shall supervise all sewer connections made to the city sanitary sewer system and all excavations for the purpose of installing or repairing sanitary sewer installations.
- (b) *Permits; application.* Any person desiring to connect a lot, parcel of land, building or premises to the city sanitary sewer system shall apply to the city for a permit for such a connection. Any sewer repair shall also require a permit. The application shall be submitted on forms provided at the clerk's office. All costs and expenses incident to the installation and connection or repair shall be paid by the permit holder and the owner shall indemnify the city for any loss or damage that may directly or indirectly result from the installation or repair of the sewer connection including restoring streets and

street surfaces.

- (c) *Penalties.* Any person who commences work for which a permit is required under this section, without first acquiring the necessary permit, shall be required to pay double the standard fees and shall be subject to all penalties.
- (d) *Conditions.*
 - (1) Permits shall only be issued to persons who have been duly certified or licensed by the state.
 - (2) No permit shall be issued until the plumbing in the building conforms to the Minnesota Plumbing Code.
- (e) *Required information.* The plumbing inspector shall sign the permit to show that the work and material conform to this Code. A sketch showing installation including kind and size of pipe, the type of joint used, and length of house connection, the depth at the street, the depth at the house, the distance from either side of the house where the connection is made to the house plumbing, and any other information listed on the permit form or required by the plumbing inspector.
- (f) *Repair of public right-of-way.* No connection or repair to the municipal sanitary sewer system shall receive final approval until all streets, sidewalks, curbs and boulevards or other public improvements have been restored and approved by the city engineer. Approval shall be given upon a showing that the restoration complies with all applicable laws, ordinances and standards.

(Code 1993, § 4-2.01)

Secs. 50-39 – 50-64 – Reserved

ARTICLE III - STORM SEWER UTILITY

Sec. 50-65 - Stormwater drainage utility established.

The city storm sewer system shall be operated as a public utility pursuant to Minn. Stats. § 444.075; the revenues from such system shall be subject to the provisions of this article and Minnesota Statutes.

(Code 1993, § 3-5.01(intro.))

Sec. 50-66 - Fee

- (a) *Definition of residential equivalent factor (REF).* One REF is defined as the ratio of the average runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land, during a standard one-year rainfall event.
- (b) *Stormwater drainage fee calculations.* Stormwater drainage fees for parcels of land shall be determined by multiplying the REF for parcels of land use by the parcel's

acreage and then multiplying the resulting product by the stormwater drainage rate. The REF values for various land uses are as follows:

Classification	Land uses	REF
1	Single-family and duplex	0.25
2	Schools and institutions	1.25
3	Multiple-family residential, churches and governmental buildings	2.50
4	Commercial	5.00
5	Golf courses and open undeveloped areas	0.25

For the purpose of calculating stormwater drainage fees, all developed one-family and duplex parcels shall be considered to have land equal to one-fourth acre.

- (c) *Credits.* Property owners who apply for a reduction in fees due to site facilities that improve water quality or reduce its outflow rate must apply for a variance paying the usual variance request fee. The city engineer will review the site and make a recommendation to the city council. There will also be a cap of 25 percent. Any adjustments of stormwater drainage fees shall not be retroactive.
- (d) *Payment of fees.* Statements for stormwater drainage fee shall be invoiced with the other utility charges and shall be due and payable with same. Whenever possible, any rate increases will be based on the index from the Engineering News Report and rate increases will be made by resolution.
- (e) *Penalties and assessment.* Penalties for late payment and assessment of unpaid fees are as stipulated by ordinance.

(Code 1993, § 3-5.01(A)-(E))

Secs. 50-67 – 50-69 - Reserved

ARTICLE IV - ILLICIT DISCHARGE AND DISPOSAL PROHIBITED

Sec. 50-70 - Purpose and findings.

- (a) *Purpose.* The purpose of this Article is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects occasioned by non-storm water discharged by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land.

- (b) *Findings.* The City Council hereby finds that non-storm water discharges to the City's municipal separated storm sewer system are subject to higher levels of pollutants that enter into receiving water bodies adversely affecting the public health, safety and general welfare by impacting water quality, creating nuisances, impairing other beneficial uses of environmental.

(Ord. No. 09-05, § 1, 6-24-2010)

Sec. 50-71 - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best management practice (BMP) means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

Discharge means adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute waters of the state.

Erosion means the group of natural processes, including weathering, dissolution, abrasion, corrosion, and transportation, by which material is worn away from the earth's surface or the erosive process of washing away soil by water.

Groundwater is water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under conned, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.

Illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any non-storm water discharge) including sewage, process wastewater, and wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or,

Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or

equivalent records and approved by an authorized enforcement agency.

Illicit discharge means any direct or indirect non-storm water discharge to the storm sewer system, except as exempted in this chapter.

MPCA means the Minnesota Pollution Control Agency.

Municipal separate storm sewer system (MS4) means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 318, 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342, and 1345.

Person means any individual, firm, corporation, partnership, franchise, association or governmental entity.

Pollutant means any substance which, when discharged has potential to or does any of the following:

Interferes with state designated water uses; Obstructs or causes damage to waters of the state;

Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;

Adds an unnatural surface film on the water;

Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;

Degrades the quality of ground water; or

Harms human life, aquatic life, or terrestrial plant and wildlife. Pollutant includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, and oxygen-demanding material.

Pollute means to discharge pollutants into waters of the state.

Pollution means the direct or indirect distribution of pollutants into waters of the state.

State designated water uses means uses specified in state water quality standards.

Storm sewer system is a conveyance or system of conveyances that is owned and operated by the City or other entity and designed or used for collecting or conveying storm water.

Storm water means precipitation runoff, storm water runoff, snow melt off, and any other surface runoff and drainage.

Surface waters means all waters of the state other than ground waters, which include ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.

(Ord. No. 09-05, § 1, 6-24-2010)

Sec. 50-72 - Administration.

The City and its authorized representatives are authorized to administer, implement and enforce the provisions of this Article.

(Ord. No. 09-05, § 1, 6-24-2010)

Sec. 50-73 - Illegal disposal and dumping.

- (a) No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.
- (b) No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

(Ord. No. 09-05, § 1, 6-24-2010)

Sec. 50-74 - Illicit discharges and connections.

- (a) No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:
 - (1) Consists of non-storm water that is authorized by an NPDES point source permit obtain from the MPCA;

- (2) Is associated with firefighting activities or other activities necessary to protect public health and safety;
 - (3) Is one of the following exempt discharges: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools and any other water source not containing pollutant;
 - (4) Consists of dye testing as long as the City provided a verbal notification prior to the time of the test
- (b) No person shall use any illicit connection to intentionally convey non-storm water to the City's storm sewer system.
 - (c) The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (d) A person is considered to be in violation of this Article if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.

(Ord. No. 09-05, § 1, 6-24-2010)

Sec. 50-75 - General provisions.

All owners or occupants of property shall comply with the following general requirements:

- (1) No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.
 - a. Individual septic systems must be maintained to prevent failure, which has the potential to pollute surface water.
 - b. Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.
 - c. For pools, water must be allowed to sit two (2) days without the addition of chlorine to allow for chlorine to evaporate before discharging in an area where drainage to streets or storm sewer systems may occur.
- (2) Runoff of water into the storm sewer system shall be minimized to the maximum extent practicable. Runoff of water into the storm sewer system from the washing down of paved areas is prohibited unless necessary for health or safety purposes.

- (3) Mobile washing companies (carpet cleaning, mobile vehicle washing, etc) shall dispose of wastewater to the sanitary sewer. Wastewater must not be discharged where drainage to streets or storm sewer system may occur.
- (4) Storage of materials, machinery and equipment must comply with the following requirements:
 - a. Objects, such as motor vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to runoff.
 - b. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.
- (5) Debris and residue shall be removed as follows:
 - a. All motor vehicle parking lots and private streets shall be swept at least once a year in the spring to remove debris. Such debris shall be collected and properly disposed.
 - b. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through the county collection program or at any other appropriate disposal site and shall not be placed in a trash container.

(Ord. No. 09-05, § 1, 6-24-2010)

Sec. 50-76. Industrial activity discharges.

Any person subject to an industrial activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the storm sewer system. All facilities that have storm water discharges associated with industrial activity must adhere to the following provisions:

- (a) Any person responsible for a property or premise, who is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 09-05, § 1, 6-24-2010)

Sec. 50-77. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility

or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the storm sewer system, or water of the state said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City no later than the next business day.

(Ord. No. 09-05, § 1, 6-24-2010)

Sec. 50-78. Enforcement.

(a) *Notice of Violation.* A violation of this Article is a Public Nuisance punishable in accordance with [section 1-7](#) of the City Code. When the City finds that a person has violated a prohibition or failed to meet a requirement of this section, the person is deemed to have created a Public Nuisance subject to abatement and assessment. The City may require the following:

- (1) The performance of monitoring, analysis, and reporting;
- (2) The implementation of source control or treatment BMPs; and
- (3) Any other requirement deemed necessary to abate the public nuisance. (Ord. No.

09-05, § 1, 6-24-2010)

Secs. 50-79 – 50-80 - Reserved

ARTICLE V - STREET LIGHT UTILITY SYSTEM²

Sec. 50-81 - Street light utility

A city street lighting utility system is hereby established and continued. The utility system consists of all street lighting whether owned by the city or otherwise, for which the city purchases and supplies electrical energy from a public utility and any additional facilities acquired or operated by the city in the future.

(Ord. No. 10-01, § 1, 1-27-2009)

Sec. 50-82 - Cost of system

- (a) The cost of the street lighting utility system are the administrative costs, capital costs, maintenance and energy costs associated with the operation of the street lighting utility system.
- (b) The city council shall by resolution establish a fee schedule to pay for the cost of the

street lighting utility system. The city council shall apportion the cost of the system against all developed property in the city. Single family residential property shall be charged based upon a per unit charge and all other property shall be charged based upon a front foot charge.

- (c) Street lighting costs shall be billed with water bills. (Ord. No. 10-01, § 1, 1-27-2009)

Sec. 50-83 - Certification of unpaid bills

On or before October 1st of each year, the clerk must list the total unpaid charges for street lighting against each separate lot or parcel to which they are attributable. The council will then spread the charges against property benefited as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the county and collection the following year with real estate taxes.

(Ord. No. 10-01, § 1, 1-27-2009)

Sec. 50-84 - Street lighting utility fund

All fees and assessments received pursuant to this article shall be place in a dedicated fund for the purpose of paying the costs of the street lighting system.

(Ord. No. 10-01, § 1, 1-27-2009)

Footnotes:

¹ **State Law reference** – Municipal utilities, Minn. Stats. § 412.321 et seq.

² **Editor's note** – Ord. No. 10-01, § 1, adopted Jan. 27, 2010, amended the Code by adding provisions designated as Art. IV, §§ 50-60 – 50-63. For purposes of classification, said provisions have been included herein as Art. V, §§ 50-81 – 50-84.